

S/N 10/001,475

Response to Office Action Dated 1/9/2004

**REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. The Applicant appreciates the telephone interview between the Examiner Jonathan Ouelette, the inventor Marc Groz, and the attorney Glenn Foster. The Examiner indicated that certain terms in claims 1, 13, 14, and 17 should be amended to more precisely describe their claim language.

**CLAIMS**

The Office Action dated January 9, 2004 rejected claims 1-18. Claims 1-5, 11-15, and 17 are amended by this response. Claims 1-28 are currently pending in this application.

**35 U.S.C. § 101 and 35 U.S.C. § 112**

In the Office Action mailed January 9, 2004, claims 13, 17, and 18 stand rejected because "the claimed invention lacks patentable utility". The Office Action indicates that the claimed valuation estimate is dependent on the independent criteria that are provided by the client, whereby the independent criteria could contain a vast amount of different setting combinations. The Office Action thereby concludes that the method is not repeatable. The Applicant contends that, even though there may be number of different settings that the valuation estimate depends upon, this does not amount to lack of utility. As a comparable example, an aircraft can have a large number of settings such as throttle, flaps, propeller, etc. The exact performance of the aircraft is not always repeatable even if each of the same controllable setting is provided (e.g., due to a

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1 turbulence, etc.). By following the logic of this rejection, the various controls of  
2 an aircraft would lack patentable utility.

3 The Applicant thereby submits that even though the valuation estimate is  
4 dependent on criteria that can each have varied settings, the valuation estimate  
5 does indeed have patentable utility for an analogous reason as the aircraft control  
6 example that both can be controlled by a number of independent controls. During  
7 the interview, the Examiner indicated that the claimed amendments appear to  
8 overcome this rejection. As such, the Applicant submits that the rejection to  
9 claims 13, 17, and 18 under 35 U.S.C. § 101 and 35 U.S.C. § 112 should be  
10 withdrawn.

11  
12 **35 U.S.C. §102(e) REJECTION**

13 Claims 1 and 12 are rejected under 35 U.S.C. §102(e) as being anticipated  
14 by U.S. Patent Application Serial No. 2002/0007362 to Collins (hereinafter  
15 "Collins"). Applicant respectfully traverses the rejection.

16  
17 **Claim 1**

18 Claim 1 defines a method for using a computer to solve problems. The  
19 claim language includes:

20 receiving at the computer a request from one of the agents to  
21 participate in a problem-solving group;

22 submitting an update from the computer to a database to be  
23 stored in the database, the update includes information about agents;  
24 that include contingent commitments between different ones of the  
25 agents, and rules for processing said contingent commitments to

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1 discover potential solutions, wherein the contingent commitments  
2 include at least one modal operator or quantifier;

3 ...  
4

5 The claim language of claim 1 is amended to recite the contingent  
6 commitments that include at least one modal operator or quantifier. The terms  
7 modal operator and quantifier finds support in paragraph [0018], and both  
8 represent common logical terms known in the art. The contingent commitment  
9 indicates that a specific action will be performed under specific conditions. For  
10 instance, in paragraph [0049], "contingent solutions are defined as solutions one or  
11 more whose conditions are not presently satisfied or are not presently known to be  
12 satisfied".

13 Collins does not disclose this method involving a contingent commitment  
14 that includes at least one modal operator or quantifier. Collins teaches a method  
15 of using a computer to solve a problem involving a plurality of agents that  
16 determines a zone of possible agreement (ZOPA). If three agents each  
17 individually define their zone of acceptable outcomes, then the ZOPA would  
18 correspond to a portion of the Venn diagram that shows the degree of overlap  
19 among the individually defined zones.

20 By comparison, amended claims 1 recites the logic of contingent  
21 commitments (that includes at least one modal operator or quantifier) to define the  
22 shape of and extent of each agent's zone in terms of the interaction of those  
23 conditions. Therefore, in certain circumstances, there might be a large number of  
24 overlap regions in the contingent commitments that overlap in the present  
25 disclosure instead of one ZOPA as shown in Collins.

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1 Accordingly, Applicants respectfully request that the §102(b) rejection of  
2 claim 1 over Collins be withdrawn.

3  
4 **Claim 12**

5 Claim 12 is another independent claim that defines a method for operating a  
6 source unit that includes the phrase "wherein the contingent commitments includes  
7 at least one modal operator or quantifier." This amended claim language is similar  
8 to that described with respect to claim 1. As such, for at least the same reasons as  
9 described with respect to Claim 1, the Applicant submits that claim 12  
10 distinguishes over the prior art.

11  
12 **Claim 13**

13 The Applicant notes that there has been no prior-art rejection to claim 13 in  
14 the Office Action mailed January 9, 2004. The language of claim 13 is amended,  
15 however, to include the language "performing calculations using said models, said  
16 input sets, and said entities, wherein the calculations provide multi-dimensional  
17 error reduction."

18  
19 **Claim 14**

20 Claim 14 is rejected under 35 U.S.C. §102(e) as being anticipated by U.S.  
21 Patent No. 5,495,412 to Thiessen (hereinafter "Thiessen"). Claim 14 defines a  
22 method for using a computer to conduct a negotiation. The claim language is  
23 amended to include the limitation:

24 "receiving by said computer a request from a first agent to negotiate with a  
25 second agent, wherein the subject of said negotiation is a scalar quantity." The

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1 term scalar quantity finds support in claims 11 and 15. The present disclosure that  
2 employs a scalar quantity facilitates negotiation of a single quantity. By scalar,  
3 the present disclosure allows a first agent to negotiate directly with a second agent  
4 with little interaction there between.

5 Thiessen does not teach how to negotiate a value of a scalar quantity, and  
6 addresses a different problem in which multiple items are traded against other  
7 items. Thiessen specifically discloses a computer based method and apparatus for  
8 interactive computer-assisted negotiations that assist multiple parties involved in  
9 complex multiple issue negotiation. See FIG. 1, reference character 18 that is a  
10 neutral party's computer that contains all party's private preferences.

11 Accordingly, for any of these reasons claims 1 and 12 are patentable over  
12 Collins, while claim 14 is patentable over Thiessen. Applicant respectfully  
13 requests that the §102(b) rejection of claim 1, 12, and 14 be withdrawn.  
14

15 **35 U.S.C. § 103**

16 Claims 2, 3, 4, 5, 7, 8, 9, 10, and 11 each depend from independent claim  
17 1. Claims 2, 3, 4, 5, 7, 8, 9, 10, and 11 are rejected under 35 U.S.C. § 103(a) as  
18 being unpatentable over Collins and further in view of Thiessen. Collins discloses  
19 a computer-based method for negotiations that does not provide a contingent  
20 commitment that includes at least one modal operator or quantifier. As such, for  
21 at least the same reasons as mentioned above, the Applicant submits that the  
22 rejection to these claims should be withdrawn.

23 The claim language of claim 1 is amended to recite the contingent  
24 commitments that include at least one modal operator or quantifier. The terms  
25 modal operator and quantifier finds support in paragraph [0018], and both

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1 represent common logical terms known in the art. The contingent commitment  
2 indicates that a specific action will be performed under specific conditions. For  
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5 satisfied".

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7 that includes at least one modal operator or quantifier. Collins teaches a method  
8 of using a computer to solve a problem involving a plurality of agents that  
9 determines a zone of possible agreement (ZOPA). If three agents each  
10 individually define their zone of acceptable outcomes, then the ZOPA would  
11 correspond to a portion of the Venn diagram that shows the degree of overlap  
12 among the individually defined zones.

13 Thiessen does not teach how to negotiate a value of a scalar quantity.  
14 Thiessen specifically discloses a computer based method and apparatus for  
15 interactive computer-assisted negotiations that assist multiple parties involved in  
16 complex multiple issue negotiation. See FIG. 1, reference character 18 that is a  
17 neutral party's computer that contains all party's private preferences.

18 There is no suggestion to combine the teachings of Collins with Thiessen to  
19 suggest the contingent commitments as recited in independent claim 1, or  
20 dependent claims 2, 3, 4, 5, 7, 8, 9, 10, and 11.

21  
22 **Claims 15 and 16** depend from claim 14. As such, for at least the same  
23 reasons as mentioned above, the Applicant submits that the rejection to these  
24 claims should be withdrawn.

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CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration and allowance of the subject matter application.

Respectfully Submitted,

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